

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN SECTION

JANE DOE, JANE DOE NO. 2 AND JANE DOE NO. 3
INDIVIDUALLY AND AS CLASS REPRESENTATIVES
OF ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs.

Docket No.: 2:13-cv-03002

CITY OF MEMPHIS,

Defendant.

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE
ORDER**

COME NOW, Plaintiffs Jane Doe, Jane Doe No. 2, and Jane Doe No. 3 (hereinafter collectively referred to as "Plaintiffs"), by and through undersigned counsel of record and on behalf of themselves individually and others similarly situated, and submit this Memorandum in Support of their Motion for Protective Order in this cause. In support of its Motion, the Plaintiffs state as follows:

This Court may allow a party to proceed anonymously under certain circumstances.¹ The Court should consider several factors, including:

(1) whether the plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution of the suit will compel the plaintiffs to disclose information 'of the utmost intimacy'; (3) whether the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal prosecution; and (4) whether the plaintiffs are children.²

¹ See *Doe v. Power*, 370 F.3d 558, 560 (6th Cir. 2004) (The Court must "determine whether a plaintiff's privacy interests substantially outweigh the presumption of open judicial proceedings.").

² *Id.* (citing *Doe v. Stegall*, 653 F.2d 180, 185-86 (5th Cir. 1981)).

In its Order Granting in Part and Denying in Part Defendant's Motion for Summary Judgment, this Court ruled that numbers (1), (2), and (4) of the foregoing factors "favor Plaintiff proceeding anonymously."³

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request that the Court grant their Motion for a Protective Order in this cause.

Respectfully submitted,

THE SPENCE LAW FIRM, PLLC

By: /s/ Robert L. J. Spence, Jr.
Robert L. J. Spence, Jr. (BPR #12256)
Bryan M. Meredith (BPR #26876)
One Commerce Square, Suite 2200
Memphis, Tennessee 38103
Office: (901) 312-9160
Facsimile: (901) 521-9550
rspence@spence-lawfirm.com
bmeredith@spence-lawfirm.com

Ricky E. Wilkins (BPR #14526)
Sharon Harless Loy (BPR #19824)
The Law Offices of Ricky E. Wilkins
The Shrine Building
66 Monroe Avenue
Suite 103
Memphis, Tennessee 38103
Office: (901) 322-4450
Facsimile: (901) 322-4451
rwilkins@wilkinslawoffice.com
sloy@wilkinslawoffice.com

Attorneys for Plaintiffs

³ See D.E. 44, pg. 6.

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served through the Court's ECF filing system to Defendant and all other parties who receive notices through the Court's ECF filing system on this 23rd day of December, 2014.

/s/ Robert L. J. Spence, Jr.